

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

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Jason FAN et al.

Art Unit: 2141

OFFICE OF PETITIONS

Application No.: 09/863,318

Examiner: Kenneth R. Coulter

Filed: May 24, 2001

Attorney Dkt. No.: 058269.00004

For: METHOD AND APPARATUS OF INTER-CHIP BUS SHARED BY MESSAGE
PASSING AND MEMORY ACCESS

**PETITION TO WITHDRAW FROM ISSUE AND
REQUEST FOR CORRECTION OF PROSECUTION HISTORY**

MAILSTOP: PETITIONS

Commission for Patents
600 Dulany Street
Madison West Building
Alexandria, VA 22313

November 2, 2007

Sir:

Applicants hereby petition that the above-referenced patent application be withdrawn from issue, and that prosecution be reopened, due to U.S. Patent & Trademark Office errors in processing erroneously file documents on behalf of a third party, and also due to USPTO addressing errors.

Neither the applicants nor their attorneys have received any correspondence in this application since the Notice of Non-Compliant Appeal Brief dated March 23, 2007. Applicants filed an amended Appeal Brief on April 12, 2007. Any documents, payments,

or statements made in the record after April 12, 2007 were not authorized by the applicants, were made without applicants' knowledge, and were made in error by a third party.

It appears that the attorney of record was changed from the proper attorney of record, Customer No. 32294, to a law firm which is not properly of record (the Sawyer Law Group). The Sawyer Law Group has no authorization to prosecute this application or make any representations on the applicants' behalf. It is not clear how or why this change was made.

It also appears that an erroneous assignment was recorded at Reel/Frame No. 018384/0334, wherein the subject application was indicated as being assigned from Luminous Networks Inc. to Adtran. Luminous Networks does not have and never did have any ownership interest in the subject application, and has no authorization or legal standing to assign this application to Adtran. This assignment seems to have been prepared, signed, and recorded in error. The application was originally assigned by the inventors to Altima Communications, Inc., via an assignment which was recorded at Reel/Frame No. 011841/0539. Subsequently, an assignment was recorded at Reel/Frame No. 015571/0985, wherein Altima Communications Corporation assigned the application to Broadcom Corporation. Broadcom Corporation is the proper assignee of this application.

The U.S. Patent & Trademark Office (USPTO) appears to have sent, based upon information available on *Public PAIR*, a Notice of Allowance which appears to have been

mailed to the Sawyer Law Group, which has no authorization in this application. The Sawyer Law Group subsequently paid the Issue Fee on September 27, 2007 without authorization by the applicants, improperly indicating Adtran Inc., as the assignee.

The Sawyer Law Group also appeared to have filed Comments on Statement of Reasons for Allowance along with the payment of the Issue Fee. The Sawyer Law Group, however, was not authorized to make statements on applicants' behalf, and was not authorized to make any payments on applicants' behalf.

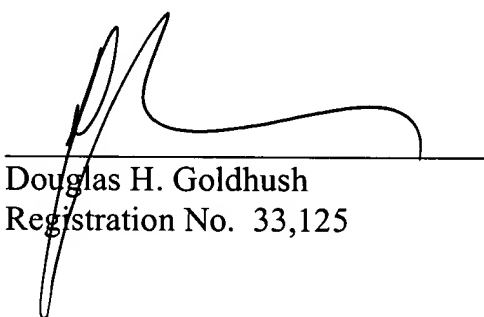
It is respectfully and urgently requested that the subject application be withdrawn from issue, that the erroneous recordation of assignment, erroneous power of attorney, and any communication between the USPTO and the Sawyer Law Group be removed from the record. Applicants' request that a new Notice of Allowance be issued, and properly sent to the attorney's of record (Customer No. 32294), and prosecution on the merits continued in accordance with the USPTO practice.

If this patent is not properly withdrawn from issue, it will issue in the name of a party which has no interest in this patent, and it will issue with the statements on the record which were not authorized to be made. In the interests of justice and fairness, this patent should not issue.

These errors occurred, in part, based upon USPTO error as well as error on part of the Sawyer Law group. Applicants had no knowledge of these errors and they were completely beyond applicants' control.

Applicants authorize the Commissioner to charge any fees associated with this Withdraw from Issue to applicant's deposit account No. 50-2222. However, due to the fact that these errors occurred based upon USPTO filing and recordation errors, it is respectfully requested that any such fees be refunded to applicants.

Respectfully submitted,



Douglas H. Goldhush
Registration No. 33,125

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
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Telephone: 703-720-7800
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DHG:kh

Enclosures: Original Declaration/Power of Attorney
Change of Address

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jason FAN et al.

Application Number: 09/863,318

Filed: May 24, 2001

Atty. Docket No.: 58269.00004

For: METHOD AND APPARATUS OF INTER-CHIP BUS SHARED BY MESSAGE
PASSING AND MEMORY ACCESS

NOTIFICATION OF CHANGE OF NAME AND ADDRESS
AND ASSOCIATE POWER OF ATTORNEY

Commissioner of Patents
Washington, D.C. 20231

April 16, 2002

Sir:

The undersigned attorney of record respectfully requests that the correspondence name and address for the above-identified application be changed to the following:

Customer Number 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Telefax: 703-720-7802



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PATENT TRADEMARK OFFICE


Further, the undersigned, an attorney of record in connection with the above-identified application, hereby grants and appoints as associate attorneys to conduct

all business before the United States Patent & Trademark Office relative to said application:

Douglas H. Goldhush, Reg. No. 33,125; Kevin F. Turner, Reg. No. 43,437; Dinnatia J. Doster, Reg. No. 45,268; Sam Huang, Reg. No. 48,430; Rhonda L. Barton, Reg. No. 47,271; Marc A. Sockol, Reg. No. 40,823; Vidya R. Bhakar, Reg. No. 42,323; Daryl C. Josephson, Reg. No. 37,365; Cameron Kerrigan, Reg. No. 44,826; David B. Abel, Reg. No. 32,394; Nathan Lane, Reg. No. 43,738; Lorinda Howland, Reg. No. 42,671; Michael Lechter, Reg. No. 27,350; David Koo, Reg. No. 46,839; David Rogers, Reg. No. 38,287; William Bachand, Reg. No. 34,980; Aaron Wininger, Reg. No. 45,229; Paul A. Durdik, Reg. No. 37,819; Paul J. Meyer P47,791; David A. Levine, Reg. No. 48,821; Victor Repkin, Reg. No. 45,039; Victoria L. Nicholson, Reg. No. 47,823; and Fariba Sirjani, Reg. No. P47,947.

Should any fees be due with respect to this paper, please charge Counsel's Deposit Account No. 50-2222.

Respectfully submitted,



Douglas H. Goldhush
Reg. No. 33,125

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DHG:klm

Declaration For U.S. Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

(Insert Title) METHOD AND APPARATUS OF INTER-CHIP BUS SHARED BY MESSAGE PASSING AND MEMORY ACCESS

the specification of which is attached hereto unless the following box is checked:

☐ was filed on _____ As PCT International Application
 Number _____ and was amended on _____
 and/or was filed on _____ As U.S. Patent Application
 Number _____ and was amended on _____

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International Application having a filing date before that of the application(s) for which priority is claimed:

(List prior
foreign
applications)

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)

Priority Claimed

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

<u>60/237,764</u> (Application Number)	<u>October 3, 2000</u> (Filing Date)
_____ (Application Number)	_____ (Filing Date)

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☐ See attached list for additional prior foreign or provisional applications. **OFFICE OF PETITIONS**

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) (U.S. or PCT) in the manner provided by the first paragraph of 35, U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(List prior U.S.
Applications or
PCT International
applications
designating the U.S.)

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status) (patented, pending, abandoned)

And I hereby appoint the firm of Arent Fox, Customer Number 004372 including as principal attorneys: Robert B. Murray, Reg. No. 22,980; Charles M. Marmelstein, Reg. No. 25,895; George E. Oram, Jr., Reg. No. 27,931; Douglas H. Goldhush, Reg. No. 33,125; David T. Nikaido, Reg. No. 22,663; Richard J. Berman, Reg. No. 39,107; King L. Wong, Reg. No. 37,500; James A. Poulos, III, Reg. No. 31,714; Murat Ozgu, Reg. No. 44,275; Robert K. Carpenter, Reg. No. 34,794; Gregory B. Kang, Reg. No. 45,273; Rustan Hill, Reg. No. 37,351; Carl Schaukowitch, Reg. No. 29,211; Kevin Turner, Reg. No. 43,437; Rhonda C. Barton, Reg. No. P47,271 and Hans J. Crosby, Reg. No. 44,634.

Please direct all communications to the following address:

ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
 1050 Connecticut Avenue, N.W., Suite 600
 Washington, D.C. 20036-5339
 Telephone No. (202) 857-6000; Facsimile No. (202) 638-4810

The undersigned hereby authorizes the U.S. attorneys named herein to accept and follow instructions from the undersigned's assignee, if any, and/or, if the undersigned is not a resident of the United States, the undersigned's domestic attorney, patent attorney or patent agent, as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Mr. Jason Fan
Inventor's signature Jason, Jeng-Cheng ✓ 5/16/01 ✓
Residence 35 Chi-Pu, HsinPu, Hsinchu, Taiwan 305 ✓
Citizenship ROC Taiwan ✓
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Full name of sole or second inventor Mr. Michael Sokol
Inventor's signature Michael A. Sokol ✓ 5/8/01 ✓
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Citizenship USA ✓
Post Office Address same as above ✓

Full name of sole or third inventor _____
Inventor's signature _____
Date _____
Residence _____
Citizenship _____
Post Office Address _____